

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

LEO F. SCHWEITZER, III,

Petitioner

v.

UNITED STATES, ET AL.,

Respondents

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CIVIL NO. 3:CV-05-2042

(Judge Kosik)

ORDER

_____ **NOW, THIS 8th DAY OF DECEMBER, 2005, IT IS HEREBY ORDERED AS FOLLOWS:**

1. Petitioner's Motion for Evidentiary Hearing in the above habeas corpus matter (Doc. 8) is **denied as premature**.
2. Petitioner's Motion for Default Judgment (Doc. 9) is **denied**.¹

s/Edwin M. Kosik

United States District Judge

EMK:lq

¹ On November 7, 2005, the Court issued an Order to Show Cause in this matter directing Respondents to answer the allegations in the habeas petition. A motion for enlargement of time within which to file a response to the petition was filed by Respondents on November 16, 2005, and granted by the Court on November 18, 2005 (Doc. 6). The Order granted a short enlargement of time until December 12, 2005. A response to the petition is not yet due. Any objection Petitioner has to the granting of the enlargement of time is without merit as Respondents' motion set forth good cause, and Petitioner has suffered no prejudice in light of the short enlargement period and the fact that his current projected release date is not until January 21, 2011, via Good Conduct Time Release.